

## FACT SHEET

# **Americans with Disabilities Act - Title III coverage affecting places of public accommodation (Public Law 101-336)**

### **Which buildings and facilities are covered by Title III of the Americans with Disabilities Act (ADA)?**

The design requirements of Title III of the ADA affect "places of public accommodation" and "commercial facilities."

### **What is a public accommodation or commercial facility?**

A "place of public accommodation" is defined as a facility, operated by a private entity, whose operations affect commerce and fall within at least one of the following categories:

- an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor;
- a restaurant, bar, or other establishment serving food or drink;
- a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
- an auditorium, convention center, lecture hall, or other place of public gathering;
- a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
- a laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
- a terminal, depot, or other station used for specified public transportation;
- a museum, library, gallery, or other place of public display or collection;
- a park, zoo, amusement park, or other place of recreation;
- a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
- a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

- a gymnasium, golf course, or other place of exercise or recreation.

A "commercial facility" is defined as a facility (1) whose operations will affect commerce; (2) that is intended for nonresidential use by a private entity; and (3) that is not an aircraft, railroad vehicle, or facility that is covered or expressly exempted from the Fair Housing Act of 1968. Examples include factories, warehouses, office buildings, and other buildings where employment may occur.

The term "facility" is defined to mean all or any portion of buildings; structures; sites; complexes; equipment; rolling stock or other conveyances (such as cruise ships, floating restaurants, etc.); roads; walks; passageways; parking lots; or other real or personal property, including the site where the building, property, structure, or equipment is located.

### **Are some facilities exempted from coverage under Title III's new construction and alteration design requirements?**

- State and local government buildings are not covered. However, they are covered under Title II of the ADA.
- Federal government buildings and facilities are not covered. However, they are covered under the Architectural Barriers Act.
- Private clubs are exempted. Private clubs are defined under Title II of the Civil Rights Act of 1964. Public accommodations that are not private clubs, but which lease space from a private club, are covered.
- Religious organizations or entities controlled by a religious organization, including places of worship, are exempted. Public accommodations that are not religious organizations, but which lease space from a religious organization, are covered.
- Private homes, if used exclusively as a residence, are exempted. If part of the home is used as a place of public accommodation, the portion used in such a manner are covered.
- Multi-family housing is exempted. However, they are covered under the Federal Fair Housing Amendments Act.

### **What is required in terms of physical accessibility to public accommodations and commercial facilities?**

Public accommodations and commercial facilities undergoing new construction must meet the design requirements outlined in the Americans with Disabilities Act Design Guidelines.

Public accommodations and commercial facilities undergoing alterations must meet the design requirements outlined in the Americans with Disabilities Act Design Guidelines.

Public accommodations (but not commercial facilities) must take steps to remove existing barriers which are readily achievable.

*For more information, the Disability and Communication Access Board has published detailed fact sheets titled "Americans with Disabilities Act - Title III Requirements to Remove Barriers in Existing Buildings" and "Americans with Disabilities Act - Title III Design and Construction Requirements affecting Places of Public Accommodation."*

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